

in the district court an information against August Luft, trading as the King Manufacturing Co., Ltd., Coudersport, Pa., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about March 15, 1933, from the State of Pennsylvania into the State of Connecticut, of a quantity of King Menthol which was misbranded. The article was labeled in part: (Carton) "King Menthol * * * Formerly King Mentho-Salve * * * Made Only by King Manufacturing Co., Ltd., Coudersport, Pa."

Analysis of a sample of the article by this Department showed that it consisted essentially of petrolatum containing small proportions of menthol, methyl salicylate, and eucalyptol.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices, regarding the therapeutic and curative effects of the article, appearing on the carton and jar labels and in an accompanying circular, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for coughs, catarrh, piles, skin eruptions and any type of inflammation or congestion; effective as a relief for congestion and inflammation in any form; effective as a combination of the finest healing agents known to medical science; effective as a valuable panacea for any emergency; effective as a treatment, remedy, and cure for any one of the many minor accidents which are apt to occur in any home; effective as a treatment, remedy, and cure for asthma, bronchitis, brain fag, croup, deafness, eczema, earache, hay fever, itch, nervous headache, pimples, pleurisy, pneumonia, rheumatism, sore throat, skin diseases, sores, tetter, tonsilitis, toothache, ulcers, salt rheum, Cuban itch, swellings, stiff joints, and stiff neck.

On March 7, 1934, the defendant entered a plea of nolo contendere, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22315. Adulteration and misbranding of Sterling Milk of Magnesia. U. S. v. McKesson-Western Wholesale Drug Co. Plea of guilty. Fine, \$100. (F. & D. no. 30313. Sample nos. 13675-A, 20277-A.)

This case was based on interstate shipments of milk of magnesia which contained a smaller percentage of magnesium hydroxide than prescribed by the United States Pharmacopoeia; and its own standard was not declared since it contained less magnesium hydroxide than declared on the label.

On March 23, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against McKesson-Western Wholesale Drug Co., a corporation, trading at Los Angeles, Calif., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 29 and November 30, 1932, from the State of California into the State of Arizona, of quantities of milk of magnesia which was adulterated and misbranded. The article was labeled in part: "Sterling Milk of Magnesia Magma Magnesia * * * containing from 6½ to 7½ per cent of Magnesium Hydroxide. * * * The Sterling Laboratory, Los Angeles, U. S. A." The labels of a portion of the article bore the word "Unofficial."

It was alleged in the information that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the pharmacopoeia official at the time of investigation, since it contained less than 7 percent of magnesium hydroxide, the two lots containing 5.79 percent and 6.34 percent, respectively, of magnesium hydroxide; whereas the pharmacopoeia provides that magnesia magma (milk of magnesia) shall contain not less than 7 percent of magnesium hydroxide; and its own standard of strength, quality, and purity was not declared on the container thereof. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it was represented to contain from 6½ to 7½ percent of magnesium hydroxide, whereas it contained a less amount.

Misbranding was alleged for the reason that the statement, "Milk of Magnesia Magma Magnesia * * * containing from 6½ to 7½ percent of Magnesium Hydroxide", borne on the bottle label, was false and misleading.

On April 9, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*